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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,829	12/29/2005	Shinji Ishida	012774-005	6473
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EXAMINER OSINSKI, BRADLEY JAMES				
ART UNIT		PAPER NUMBER		
3767				
NOTIFICATION DATE		DELIVERY MODE		
07/09/2008		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com

### Office Action Summary

**Application No.**

10/562,829

**Applicant(s)**

ISHIDA ET AL.

**Examiner**

BRADLEY J. OSINSKI

**Art Unit**

3767

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/US)  
Paper No(s)/Mail Date 12-29-2005
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-4 and 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spencer (4,619,642) in view of Babyak (Appliance Manufacturer).

a. Regarding claims 1 and 4, Spencer discloses a tube clamp apparatus with a placement clamp section 183/184, a movable clamp section 185/186 that pressed down on the tube placed in the placement clamp section 185/186, and a hood section 185d/186d at the movable clamp section to engage the engagement members 183d/184d of the elastic member the placement clamp section to maintain a pressing state upon a tube. While Spencer substantially discloses the apparatus as claimed, it does not disclose the hood section having a plurality of divided hook portions with at least one protrusion to the side of the others hooks made of an elastic member. However, Babyak discloses fastening systems and specifically discloses a urethane elastomer between metal fasteners to create a sandwich mount to provide shock protection, vibration isolation and noise control. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the hooks of

Spencer of urethane elastomer sandwiched between two metal hooks as taught by Babyak as such is a known method of forming a fastener to provide shock protection, vibration isolation and noise control.

- b. Regarding claim 2, See claim 1 above, urethane elastomer is a resin that is soft enough to change shape according to external pressure but is still resistant to creep and compression set (See Babyak)
  - c. Regarding claim 3, Hooks 185d/186d are orthogonal to tubes placed in the placement clamp sections (183a/183b/184a/184b)
  - d. Regarding claim 8, See claim 1 above. Further disclosed by Spencer is a cutting unit 99 and a movement unit to move the two holding units 180/182 relative to each other such that the end portions to be connected face each other. (Figures 2-4 and 7)
  - e. Regarding claim 9, Two holding units 180/182 are disposed along a longitudinal direction of the tubes and the cutting occurs between holding units 180/182.
  - f. Regarding claim 10, See arrows in figure 7, the movement unit moves holding unit 180 both longitudinally and orthogonally to the tubes.
  - g. Regarding claim 11, See claim 2 above.
  - h. Regarding claim 12, See claim 4 above.
2. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spencer (4,619,642) and Babyak (Appliance manufacturer) as applied to claim 3 above, and further in view of Smith et al (Mechanical Engineering).

i. Regarding claim 5, While Spencer and Babyak substantially discloses the apparatus as claimed such as engagement members 183d/184d, they do not disclose the engagement member being made of a resin. However, Smith et al discloses advantages of plastics over metals with regards to mechanical interactions. Specifically plastic gears are lighter, less costly and do not wear as much as metals. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the engagement member of Spencer of a plastic resin as discussed in Smith et al to decrease costs, weight and wear of the device.

j. Regarding claim 6, Spencer discloses rotatable rollers 183d/184d on which the elastic member as discussed in claim 1 above slides along the circumference to maintain engagement with the roller.

k. Regarding claim 7, Spencer discloses the reaction force being smaller than the pressing force of the hook portions and is larger than the load force against the protruded portion as it discloses flattening the tubes via pressing down upon them and latching. If such force relationships did not exist, then the latch would not hold and would come undone by itself.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRADLEY J. OSINSKI whose telephone number is (571)270-3640. The examiner can normally be reached on M-Th 8AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Simons can be reached on (571)272-4965. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bradley J Osinski/  
Examiner, Art Unit 3767

/Justine R Yu/  
Supervisory Patent Examiner, Art Unit 3771